IN THE HIGH COURT OF JUDICATURE AT JABALPUR

W.P. NO. 3479 /98

PETITIONER: Girja Shankar Pandey, Aged about 45 yrs.
S/O Shri Krishna Pandey.
R/O 86/3 Market Complex Maitri Nagar
Bhilai, Teh. & Distt. Durg.

V E R S U S

RESPONDENTS:
1. State of MP, through Secretary Home Affairs Vallabh Bhavan Mantralaya, Bhopal.
2. The District Magistrate & Licencing Authority. Durg.
3. Additional District Magistrate Durg.
4. Superintendent Police. Durg.
5. The District Magistrate/ Licensing Authority ALLAHABAD. (U.P.)

Amended as per C.O. dt. 7.9.98 8.9.98 8.9.98.

WRIT PETITION UNDER ARTICLES 226/227 OF THE CONSTITUTION OF INDIA.

XI-HC-78

48

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक WP 3479/05 **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	25.8.2005 Shri B.D. Guru, counsel for the petitioner. Shri R.R. Sinha, P.L. for the State. Heard. By the instant writ petition the petitioner has questioned the legality, propriety and correctness of order dated 27.6.1998 (Annexure P-6) passed by the Commissioner, Raipur Division, Raipur in an appeal filed by the petitioner herein thereby affirming the order dated 5.7.1997 (Annexure P-4) passed by the District Magistrate, Raipur whereby the license of the petitioner to posses a fire arm i.e. 32 Bore Revolver No.S-27702 has been suspended for the indefinite period. The petitioner has challenged the above order on the ground that the said order has been passed without giving any opportunity to the petitioner to explain his conduct and same has been passed for indefinite period, whereas under the provisions of Section 17(3) of the Arms Act period of suspension ought to have been mentioned by the District Magistrate. Learned counsel for the respondents submits that the license in question was suspended on account of report of the Superintendent of Police, Durg. But the fact remains that license in question has been suspended without affording opportunity to the petitioner to explain his conduct and that too for the indefinite period, whereas under the provisions of Section 17(3) of the Act envisages that *"the licensing authority may by order in writing suspend, a licence for such period as it thinks fit or revokes a license"*. In the present case the period of suspension has not been specified, moreover, it has been mentioned in the return that some case under Section 420 of IPC & Section 27 of the	

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ..... सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	Prevention of Corruption Act was pending against the petitioner but the particulars of that case has not been mentioned. In view of above, the order dated 5.7.1997 as well as the order of the Commissioner dated 27.6.1998 confirming the order of District Magistrate are hereby quashed and the District Magistrate, Durg is directed to pass the appropriate orders in accordance with law after considering all the materials available on record and after giving opportunity of hearing to the petitioner. With the direction aforesaid, the petition stands disposed of. Certified copy as per rules. Sd/- L.C.BHADOO Judge	